

Amendment No. 1 to HB4205

Jones U
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 4206

House Bill No. 4205*

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 58-7-103, is amended by deleting the section in its entirety, and by substituting instead the following language:

(a) There is created a three (3) member-oversight panel to be known as the “Tennessee state veterans’ homes oversight panel”, referred to in this chapter as the “oversight panel”. The oversight panel shall be composed of the commissioner of finance and administration, the commissioner of veteran’s affairs and the chairperson of the Tennessee state veterans’ homes advisory board.

(b) The oversight panel, a political subdivision and instrumentality of the state, shall be deemed to be acting in all respects for the benefit of the people of the state in the performance of essential public functions and shall be deemed to be serving a public purpose and improving and otherwise promoting the public’s health, welfare and prosperity.

(c) The oversight panel, pursuant to applicable state and federal law, is vested and charged with those powers and duties necessary and proper to enable it to fully and effectively carry out the provisions of this chapter, including but not limited to the following:

(1) The authority to determine the location of the Tennessee state veterans’ homes. In selecting the sites, preference shall be given to publicly owned land. Land for the sites may be purchased only if suitable publicly owned land is not available;

(2) The authority to employ an executive director and other employees and to incur expenses as may be necessary for the proper discharge of its duties;

(3) The duty to adopt written policies and procedures to govern its internal operations;

(4) The authority to establish policies regarding the rates for patient care while in a state veterans' home;

(5) The authority to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter, including contracts for the operation of the Tennessee state veterans' homes. All contracts that pertain to the acquisition and improvement of real property, pursuant to § 4-15-102, must be approved in advance by the state building commission. Contracts for services must also be approved in advance pursuant to § 12-4-109;

(6) The authority to acquire, in the name of the state, real or personal property or any interest therein, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise;

(7) The authority to hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or in its control, custody or possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including threat of foreclosure;

(8) The authority to incur debts, to borrow money, to issue debt instruments and to provide for the rights of the holders thereof in accordance with § 58-7-107;

(9) The authority to procure insurance against any loss in connection with its property and other assets in amounts and from insurers which it deems desirable;

(10) The authority to receive bequests and donations that may be made to improve the general comfort and welfare of the members of the home(s) or for the betterment of the home(s);

(11) The authority to seek advice from the United Tennessee Veterans' Association (UTVA) and the Tennessee state veterans' homes advisory board;

(12) The authority to seek assistance from any state agency or entity, including but not limited to the comptroller of the treasury and the state treasurer; and

(13) Do other acts necessary or convenient to exercise the powers granted or reasonably implied in this section.

SECTION 2. Tennessee Code Annotated, Sections 58-7-104 and 58-7-110, are amended by deleting these sections in their entirety.

SECTION 3. Tennessee Code Annotated, Sections 58-7-102, (b), (c) and (d) are amended by deleting the language "board" wherever it appears and by substituting instead the language "advisory board".

SECTION 4. Tennessee Code Annotated, Section 58-7-102 is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) There is created a Tennessee state veterans' homes advisory board, referred to in this chapter as the "advisory board", which shall serve in an official advisory capacity to the oversight panel created pursuant to § 58-7-103. Such advisory board is vested with powers and duties including, but not limited to the following,

(1) To make recommendations to the oversight panel concerning the location of the Tennessee state veterans' homes;

(2) To make recommendations to the oversight panel to ensure the highest quality of care is provided at Tennessee state veterans' homes and the financial status of the homes is maintained on a sound basis;

(3) To make recommendations to the oversight panel concerning establishment of priorities and needed improvements with respect to programs and services related to the providing of health care for veterans; and

(4) To make studies appropriate to effectuate the purposes and policies of this chapter and make the results thereof available to the public.

SECTION 5. Tennessee Code Annotated, Section 58-7-105, is amended by deleting the section in its entirety and by substituting instead the following language:

Members of the advisory board and oversight panel shall not be compensated for services rendered to the homes, but will be compensated for necessary expenses incurred by a member of the advisory board or oversight panel in the performance of such member's official duties. All reimbursement for travel expenses shall be in accordance with the policies and guidelines approved by the oversight panel, but shall not exceed the maximum reimbursement for travel expenses allowed by the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general.

SECTION 6. Tennessee Code Annotated, Section 58-7-106, is amended by deleting the section in its entirety and substituting instead the following language:

If any matter before the Tennessee state veterans' home advisory board or the Tennessee state veterans' homes oversight panel involves a project, transaction, or relationship in which a member or the member's associated institution, business or board has a direct or a conflicting interest, the member shall make known to the advisory board or oversight panel that interest and shall be prohibited from participating in discussions and voting on that matter.

SECTION 7. Tennessee Code Annotated, Section 58-7-107, is amended by deleting the language “veterans’ homes board” wherever it appears and substituting instead the language “oversight panel”.

SECTION 8. Tennessee Code Annotated, Section 58-7-108, is amended by deleting the word “board” wherever it appears and substituting instead the language “oversight panel”.

SECTION 9. Tennessee Code Annotated, Section 58-7-109, is amended by deleting the section in its entirety and substituting instead the following language:

Not later than January 15, 2009, and each January 15 thereafter, the Tennessee state veterans’ homes oversight panel shall make an annual report to the governor, and the joint select committee on veterans’ affairs of the general assembly. This report shall contain an accounting for all money received and expended, statistics on members, who resided in the homes during the year and such other operation matters as the oversight panel deems pertinent. Nothing in this act shall preclude the Tennessee state veterans’ homes oversight panel from reporting more often.

SECTION 10. Tennessee Code Annotated, Title 58, Chapter 7, Part 1 is amended by adding the following language as a new section:

Section 58-7-115.

(a) All policies, reports, documents, surveys, books, records, papers or other writings in the possession of the Tennessee state veterans’ homes board on the effective date of this act as assigned to the Tennessee state veterans’ homes oversight panel by this act, is transferred by this act to and shall remain in the custody of the Tennessee state veterans’ homes oversight panel. All policies of the Tennessee state veterans’ homes board in effect on the effective date of this act shall be and remain policies of the Tennessee state veterans’ homes oversight panel until such time as such policies are amended, revised or eliminated by the Tennessee state veterans’ homes oversight panel.

(b) All leases, contracts and all contract rights and responsibilities in existence on the effective date of this act with the Tennessee state veterans’ board with respect to the

duties transferred by this section shall be preserved and transferred to the Tennessee state veterans' homes oversight panel.

(c) All assets, liabilities and obligations of the Tennessee state veterans' homes board with respect to the duties transferred by this section shall become the assets, liabilities and obligations of the Tennessee state veterans' homes oversight panel.

(d)

(1) All persons who are members of the Tennessee state veterans' homes board on the effective date of this act shall become and remain members of the Tennessee state veterans' homes advisory board until the end of the term to which such person was appointed to be a member of the Tennessee state veterans' homes board. Such persons shall be eligible for reappointments to the Tennessee state veterans' homes advisory board for three-year terms.

(2) On the effective date of this act, the Tennessee state veterans' homes board shall terminate and cease all activity in the name of the Tennessee state veterans' homes board and shall begin to function as the Tennessee state veterans' homes advisory board in accordance with the provisions of this act.

SECTION 11. Tennessee Code Annotated, Section 58-7-112 is amended by deleting the second sentence in its entirety.

SECTION 12.

(a) Pursuant to the governmental entity review law, compiled in title 4, chapter 29, the Tennessee state veterans' homes advisory board and the Tennessee state veterans' homes oversight panel shall terminate on June 30, 2010, unless continued by the general assembly.

(b) The termination date for the Tennessee state veterans' home board as presently provided in § 4-29-230 (54) shall not be required nor undertaken since, under the provisions of this act, such board is terminated on the effective date of this act.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

